



BOARD OF PAROLE HEARINGS



ADMINISTRATIVE DIRECTIVE NO: 2012-01

SUBJECT: CRITERIA FOR LAW STUDENTS REPRESENTING LIFE INMATES AT PAROLE SUITABILITY HEARINGS

INTRODUCTION

Penal Code section 3041.7 establishes that all life inmates are entitled to representation by legal counsel at parole suitability hearings. All legal counsel shall be authorized to represent clients as prescribed by the rules of the State Bar of California. This Administrative Directive establishes criteria for law students representing life inmates in parole suitability hearings.

LEGAL AUTHORITY

California Rules of Court, Rule 9.42 sets forth the following criteria for law students to represent clients, including life inmates at parole suitability hearings. A law student must possess "a currently effective certificate of registration as a certified law student from the State Bar." (Rule 9.42, subdivision (a)(1).) Furthermore, a certified law student may "appear on behalf of [a] client in any . . . hearing . . . before any . . . commissioner . . . provided that the certified law student: [o]btains the approval of the supervising attorney to engage in the activity; [p]erforms the activity under the direct and immediate supervision and in the personal presence of the supervising attorney . . . ; [o]btains a signed consent form from the client on whose behalf the certified law student acts; and [a]s a condition to such appearance . . . presents a copy of the consent form to the . . . commissioner." (Rule 9.42, subdivision (d)(3).)

DIRECTIVE

At the beginning of the parole suitability hearing, the presiding commissioner shall ensure that the law student possesses a currently effective certificate of registration as a certified law student from the State Bar and shall obtain a copy of the signed consent form allowing the law student to appear on behalf of the life inmate during the parole

suitability hearing. The presiding commissioner shall also ensure that the supervising attorney is personally present at all times during the hearing. The certified law student and supervising attorney shall state their appearance on the record as such and a copy of the signed consent form shall be included in the official record of the hearing.

This Administrative Directive shall take effect immediately. If you have any questions concerning the contents of this Administrative Directive please contact the legal office at (916) 324-7604.

APPROVED BY:


JENNIFER P. SHAFER
Executive Officer, BPH

DATE:

11/29/12